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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 1st August, 2019

No. 7990—L.A.— The following Bill which has been introduced in the Odisha Legislative Assembly on the 1st August, 2019 is here with published under Rule-68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information:—

THE ODISHA LOKAYUKTA (AMENDMENT) BILL, 2019

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BILL

TO AMEND THE ODISHA LOKAYUKTA ACT, 2014

Be it enacted by the Legislature of the State of Odisha in the Seventieth Year of the Republic of India, as follows:—

Short title and
commencement.

1. (1) This Act may be called the Odisha Lokayukta (Amendment) Act, 2019.

(2) It shall deemed to have come into force on the 7th day of July, 2018.

Amendment
section 44. of

2. In the Odisha Lokayukta Act, 2014 (hereinafter referred to as the principal Act), for section 44, the following section shall be deemed to have been substituted, namely:—

Odisha Act 12 of
2018.

“44. On and from the date of commencement of this Act, every public servant shall make a declaration of his assets and liabilities in such form and in such manner as may be prescribed.”

Amendment of
section 57.

3. In the Principal Act, in section 57, in sub-section (2), for clauses (k) and (l), the following clause shall be substituted, namely:—

“(k) the form and manner of declaration on assets and liabilities by public servants under section 44:

Provided that the rules may be made under this clause retrospectively from the date on which the provisions of this Act came into force;”.

STATEMENT OF OBJECTS AND REASONS

The Odisha Lokayukta Act, 2014 (Odisha Act 12 of 2018) has been enacted in line with the Central Act i.e. the Lokpal & Lokayuktas Act, 2013 (No. 1 of 2014) to provide for the establishment of a body of Lokayukta for the State to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.

Section 44 of the Odisha Lokayukta Act, 2014 requires making of a declaration of assets and liabilities by the public servant to the competent authority in the manner provided under the said Act. The said provision of the Act requires furnishing of information relating to assets and liabilities by a public servant and filing of annual return with the competent authority in such form and such manner as may be prescribed, on or before the 31st day of July every year, who shall ensure that such statements are published on the website of respective Departments by the 31st day of August of that year.

Considering some difficulties in implementation of the said provision of the Act, Government of India have amended the Lokpal and Lokayukta Act, 2013, in which the provision of section 44 has been substituted to the effect that on and from the date of commencement of the Principal Act, every public servant shall make a declaration of his assets and liabilities in such form and manner as may be prescribed. Since the Odisha Lokayukta Act, 2014 has been framed in line with the Lokpal and Lokayuktas Act, 2013, it is likely that identical difficulties may occur while implementing the above provisions the Odisha Lokayukta Act, 2014.

In order to obviate such difficulties, it is considered expedient to suitably substitute section 44 of the Odisha Lokayukta Act, 2014 providing therein that every public servant shall make declaration of his assets and liabilities in such form and manner as may be prescribed and consequently it is proposed to amend suitably clause (k) and (l) of sub-section (2) of section 57 of the Act to bring it in consonance with the amendment made to section 44 of the Central Act. It is also proposed to bring the above amendment from the date on which the provisions of this Act came into force and make rules retrospectively from the said date.

The extracts of the existing provisions of section 44 of the Act is enclosed as *Annexure*.

NAVEEN PATNAIK
Member-In-Charge

DASHARATHI SATAPATHY

SECRETARY

ODISHA LEGISLATIVE ASSEMBLY